



SAN BRUNO CITY COUNCIL

REGULAR MEETING

MINUTES

November 17, 2003

THIS IS TO CERTIFY THAT:

The San Bruno City Council met in Regular Session at the San Bruno Senior Center at 1555 Crystal Springs Road. The meeting was called to order at 7:00 pm.

ROLL CALL:

Recorded by City Clerk Simon, present were Mayor Franzella presiding; Vice Mayor Pallas, Councilmembers Ibarra, O'Connell, and Ruane.

PLEDGE OF ALLEGIANCE:

Mayor Franzella asked **City Attorney Pamela Thompson** to lead us in the Pledge of Allegiance.

Mayor Franzella thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

a. Oath of Office & Certificates of Election:

City Clerk Ed Simon administered the Oath of Office and presented Certificates of Election to newly appointed **Mayor Larry Franzella, Councilmember Irene O'Connell, and Councilmember Jim Ruane** as required by Election Code 10229. The election was cancelled by Resolution 2003-67, at a Special Meeting held on August 20, 2003. At that same meeting, Resolutions 2003-68, 2003-69 and 2003-70 were adopted, to appoint the incumbents to serve the 2003 – 2005 term. This was due to the fact that all three incumbents filed nomination papers for re-election and at the close of the nomination period on August 8, 2003, were unchallenged.

b. Selection of Vice Mayor:

Pursuant to San Bruno Ordinance 1290, "Vice Mayor shall be selected on a seniority basis and rotated annually." Mayor Franzella recommended that **Irene O'Connell** be appointed to serve as Vice Mayor until November 2004. **M/S Pallas/Ibarra**, to appoint Councilmember O'Connell as Vice Mayor. Passed unanimously.

Vice Mayor O'Connell thanked her family for their support and looks forward to serving the people of San Bruno as faithfully and well as possible.

Councilmember Ruane thanked his wife Noreen and other family members for their support and also mentioned how much he has enjoyed working with this Council and has great hopes for this new term.

Mayor Franzella also thanked the citizens of San Bruno for the confidence they have placed in him and stated that he will not allow it to be misplaced. He also thanked his family for their continuing support and expressed that he looks forward to continuing his service to the City.

c. Presentations:

- (1.) **The Criminal Justice Council of San Mateo County** presented awards to San Bruno Police Explorers Raymond Giusti, Stacy Varni, and Stefani Wettstein for Outstanding Contributions in Criminal Justice. Raymond Giusti was not able to attend this evening. Stefani Wettstein thanked the Council for this recognition.
- (2.) A **Donation** of \$472 was made by Mauro Pellegrini, the owner of Pet World on San Mateo Avenue, to purchase a canine ballistic vest for the Police Department. Officer Sean Graham publicly thanked Mr. Pellegrini for the generous donation. Mr. Pellegrini thanked the City for accepting the donation and looks forward to working together in the future.

REVIEW OF AGENDA: no changes

APPROVAL OF MINUTES: Special, adjourned, and regular Council meetings of Oct 28, 2003.

Approved as submitted.

CONSENT CALENDAR:

- a. **Approve: Payroll** of October 24, 2003, and November 7, 2003.
- b. **Approve: Accounts Payable** of October 13, 20, & 27, 2003. (Council Packets only, copy is available for review at the City Clerk's office)
- c. **Approve:** Introduction and waive second reading of San Bruno Ordinance No. 1685 **amending the Zoning Ordinance** pertaining to "Drinking Establishments", including among other things, revising and creating new definitions, establishing performance standards and mandatory findings, and making "Drinking Establishments" conditional uses in all zoning districts in which they are currently allowed or by adding "Drinking Establishments" as conditional uses in other non-residential zoning districts. "Drinking Establishments" include all bars, cocktail lounges, taverns, and designated areas within eating establishments that provide a separate bar or area in which alcoholic beverages are served and consumed.
- d. **Approve:** Introduction and waive second reading of San Bruno Ordinance No. 1686 which establishes **performance standards for alcoholic beverages sales** and adds Chapter 5.22 to Title 5, (Nuisances) in the San Bruno Municipal Code. Letters of support were received from Artichoke Joe's Casino, Red Robin Restaurant, Red Lobster Restaurant, and TGIF Friday's Restaurant.
- e. **Accept:** Donation from the **Rotary Club of San Bruno** in the amount of \$8,000 to the San Bruno Police Department for support of the Police Canine Program, including sponsorship of a new dog and basic training expenses for the handler and the dog.
- f. **Approve:** Chief of Police Violet recommends that the City Council authorize the City Manager to award the bid for the purchase of two (2) 2004 Ford Crown Victoria Police Interceptors from Downtown Ford of Sacramento in the amount of \$46,732. The cost of the acquisition with sales tax and delivery charges is within the budgeted amounts.
- g. **Approve:** Award of contract to Knapp Consulting in the amount of \$34,815 for environmental services associated with a proposed Church and town home development at 599 Cedar Avenue. Project sponsor, Peninsula Christian Fellowship Church agreed to reimburse the City of San Bruno for the entire amount specified in the contract.
- h. **Adopt:** San Bruno resolution approving temporarily closing of the 1900 Block of Glen Avenue on Sunday December 14, 2003, for the 13th Annual Block Lighting and Santa Arrival between the hours of 5:00 p.m. and 10:00 p.m.

Mayor Franzella pulled Item 4e. Councilmember Ruane pulled Item 4g. Councilmember Ibarra pulled Item 4h.

M/S O'Connell/Ruane, to approve the remainder of the Consent Calendar. Passed unanimously.

Item 4e: Mayor Franzella wanted to publicly recognize and thank the Rotary Club of San Bruno for their continued support and this generous donation.

M/S Ibarra/O’Connell, to approve accepting the donation. Passed unanimously.

Item 4g: Councilmember Ruane asked staff if the City was actually fronting the money on this contract. Director of Community Development George Foscardo answered no, and explained this funding process. He also acknowledged extra efforts made in sending notices to neighbors who have placed themselves on a “do not notify” list in their attempt to avoid junk mail.

M/S O’Connell/Ibarra, to award the contract. Passed unanimously.

Item 4h: Councilmember Ibarra wanted to take this opportunity to make a public announcement of this very special event, noting that the entire street will be lit and decorated.

M/S Ibarra/O’Connell, to approve. Passed unanimously.

PUBLIC HEARINGS: (Notices have been published, mailed, and posted)

First reading and introduction of San Bruno Ordinance No. 1687, which temporarily suspends a portion of the 8% **Airport Parking Facilities Tax** collected pursuant to San Bruno Municipal Code Section (SBMC) 3.16.180 for the period of January 1, 2003 through December 31, 2004. The proposed ordinance provides that the City will collect only 5.5% of the gross receipts of any business subject to SBMC 3.16.180 during the designated two-year period. The proposed ordinance shall automatically expire on December 31, 2004 and after that any business subject to SBMC 3.16.180 would resume paying 8% of its gross receipts.

M/S Pallas/Ibarra , to close the Public Hearing. Passed unanimously.

M/S Ibarra/Ruane, to waive the first reading. Passed unanimously.

Councilmember Ibarra introduced Ordinance 1687 for adoption. Passed by the following majority vote, Mayor Franzella, Councilmembers Ibarra, Pallas and Ruane, Yes. Vice Mayor O’Connell, No.

UNFINISHED BUSINESS:

- a. Introduction and adoption of a new San Bruno Resolution No. 2003-88 establishing rules and procedures and setting City Council policy statement regarding appointment of members to Boards, Commissions, and Committees.

Vice Mayor O’Connell introduced Resolution 2003-88 for adoption. Passed by the following majority vote, Mayor Franzella, Vice Mayor O’Connell , Councilmembers Ibarra, and Ruane, Yes. Councilmember Pallas, No.

- b. **City Clerk Simon** recommended Council consider appointments to the open positions on the following Commission and Committees:

Culture & Arts Commission (new) had seven (7) vacancies, four (4), three-year terms and three (3,) one-year terms.

Note: At the Council meeting Mayor Franzella mistakenly said that the terms were, one and two years in length, the approved and appointed terms are actually, one and three years in length.

Nominated and appointed to three-year terms, were as follows:

Vice Mayor O'Connell nominated Tammy Parker. Passed unanimously.

Councilmember Ruane nominated Melodie Tobin. Passed unanimously.

Councilmember Ibarra nominated Jean George. Passed unanimously.

Councilmember Pallas nominated Carolyn Livengood. Passed unanimously.

Nominated and appointed to one-year terms, were as follows:

Mayor Franzella nominated Emile Hons. Passed unanimously.

Mayor Franzella nominated Brian Fearon. Passed unanimously.

Mayor Franzella nominated Jennifer Blanco. Passed unanimously.

Bicycle & Pedestrian Advisory Committee had 1 vacancy.

Vice Mayor O'Connell nominated James Craib. Passed unanimously.

CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACTS: None

COMMUNICATIONS: None

STAFF REPORTS:

- a. **City Manager Jackson and Acting Fire Chief Voreyer** presented a recommendation as directed by the Council, addressing Fire Department organization and management structure. City Manager Jackson gave a brief description of the process and events that led up to the recommendation given to the Council tonight. She explained that after careful evaluation, the full administrative combination of the San Bruno Fire Department with the Millbrae Fire Department was not cost effective enough to make it the best option as a permanent operating structure. The recommendation given tonight is to establish a permanent City of San Bruno operating structure within the Fire Department. She hopes and expects that there will continue to be the opportunity for discussion and coordination of the possible sharing of some of the services that are important to the operation of the department.

Acting Chief Dan Voreyer gave a description of the four options, lettered A through D, that were considered. A Consensus was met by all parties involved in the decision, he went on further to explain the selection of option D. Option D provides the flexibility needed to operate a Fire Department and meets the parameters set by the City Council. One parameter was that the chosen plan include a net zero budget increase. Changes have been made in the last year that allowed the department to move forward, Option D allows the department to maintain that initiative and continue the foundation that has been set. The department will also continue to explore shared services with other cities. He noted that none of the options addressed the separate issue of the current budget deficit reduction plan, however, they will continue review methods to meet current and future budget reduction objectives.

M/S Ruane/Ibarra, to accept the organization and management structure Option D. Passed unanimously.

- b. **Acting Fire Chief Voreyer** request amendment to the 2003-4 Capital Improvement Program Budget in the amount of \$31,889 to continue funding the Fuel Supply Tank Replacement Project for the monitoring of the underground storage tank behind Fire Station #51.

M/S Ibarra/Ruane, to approve the amendment. Passed unanimously

- c. Public Works Director Munns** recommends that the City Council adopt by resolution the proposed City of San Bruno Integrated Pest Management Policy. **Director Munns** emphasized the key points of the Policy.

Councilmember Ruane introduced Resolution 2003-89 for adoption. Passed unanimously by a roll call vote.

- d. Public Works Director Munns** provided an oral update on the removal of overgrowth from the Cupid Row canal and the 7th Avenue ditch. **Deputy Public Works Director Jerry Bradshaw** made a slide presentation showing the progress of this program.

Robert Riechel, 7th Ave., stated that the residents on 7th Avenue are very pleased by the work that Mr. Munns and Mr. Bradshaw and their staff have done. He still has a concern, in the first two or three hundred feet as you move into Cupid's Row, where it comes through the box culvert, there is still a lot of growth and sediment in that area. **Deputy Bradshaw** thanked Mr. Riechel and the other residents who helped raise the attention of the County and Airport officials needed for this project. His job was made easier by the residents and their support. He also acknowledged the area Mr. Riechel spoke of, explaining that this portion belongs to BART and that as soon as this week, BART may be turning that work over to the County to be done and BART will reimburse them.

REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES: None

PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Alan Lubke, Fleetwood Dr., wants to know why it takes so long to get approval to install safety signs and questions the process that such an item has to go through. He also brought a picture of a sign involving the BART Station that needs to be directionally adjusted.

The item was referred to staff for follow-up and action.

Carolyn Livengood, Sheryl Dr., is delighted to have been appointed to the Culture & Arts Commission, and sadly acknowledges that she must now resign from the Citizens Crime Prevention Committee, which she has served on for 24 years. She hopes that she can still be of some service to them in the future.

REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

- a. Traffic Safety & Parking Committee** recommends:

- (1.) That the City Council introduce and adopt a resolution approving the installation of STOP signs on Huntington Avenue and San Antonio Avenue at both the northern and southern approaches to San Felipe Avenue. **Deputy of Public Works Merrill Buck** gave an overview of the recommendation and answered questions.

Robert Riechel, 7th Ave., thinks the proposed sign may not be easily visible, he thinks the idea of striping on the pavement is a good option.

Councilmember Ruane introduced Resolution 2003-90 for adoption. Passed unanimously by a roll call vote.

- (2.) That the City Council approves the establishment of a Residential Parking Permit District Program, subject to certain criteria, and direct staff to prepare an enabling ordinance. **Deputy Buck** gave the background on this recommendation and answered questions.

Mike Panigiris, Huntington Ave., says that the neighbors agree with the proposed program and he complained that people park in front of houses just so they don't have to pay the \$1.50 to park in the Caltrain Station, even when there are still spaces available in the station parking lot. As BART ridership increases, this will only become a bigger problem.

Mayor Franzella supports the concept, however, staff is directed to bring back an alternative plan for a cost covering program, including in the analysis, that the program has the potential to grow, thus, so will the costs.

M/S Ruane/O'Connell, to approve the establishment of a Residential Parking Permit District Program. Passed unanimously.

- b. **Caltrain Grade Separation and New Station Design Ad Hoc Committee (Ruane/Ibarra)** provides oral update on the November 6, 2003, Caltrain Joint Powers Board meeting and report on action taken relating to the San Bruno grade separation project. **Councilmember Ruane** reported that on November 6th, they attended a Joint Powers Board Meeting. Our Grade Separation design was one of the agenda items at that meeting and was unanimously approved. The next step is to go to the Transportation Authority for the initial \$5,000,000 in funding for the hard engineering. They are very excited about the progress made and also about the future of this project. **Councilmember Ibarra** reported that the Joint Powers Board was very much in favor of this project, especially being familiar with the specifics of it, including the complexity of the intersection and related safety issues.

Robert Riechel, 7th Ave., asked when the next meetings will take place when the public can offer their input, he has concerns about the storm drainage system and the next steps that will be taken.

Mayor Franzella addressed the fact that recently, an issue was raised as to whether he has or had a conflict of interest when voting on the Grade Separation and whether or not he had a conflict of interest in relation to the property ownership which is a business interest. It is his understanding and belief that he presently does not have any conflict, because he no longer owns property in the area of the proposed Grade Separation Project. He is currently working with the City Attorney reviewing a vote that was taken on August 13, 2002, when the Council voted to endorse the Grade Separation Alternative No. 5 as presented by the Citizens Advisory Committee. He then asked the City Attorney if in fact he did have a conflict at the time that he owned the property, is there an action that the City needs to take with respect to that?

City Attorney Thompson replied that the issue is whether the City's decision could be invalidated as a result of a member voting with a potential conflict of interest. She also clarified that when we talk about conflict of interest, it refers to is that the requirement that someone one who is voting, do so without any regard to economic interest that might affect that person's neutrality in voting an issue. These determinations have to be made on a case by case basis. In the present instance, if the facts are salient in making that analysis, one, the decision was made over a year ago, second, the determination that the City Council made was to endorse another agency's action. Thirdly and most importantly, she reviewed the minutes from that meeting and stated, because the vote was a 4-1 vote, if there was a conflict of interest, that would not invalidate the

City Council Regular Meeting – Minutes

November 17, 2003

Page 7 of 7

action. Thirdly and most importantly, she reviewed the minutes from that meeting and stated, City's decision because a majority of the Council voted that did not have a conflict of interest. Therefore in conclusion, in this particular instance, the City's interests are protected and the decision can stand as it is.

Mayor Franzella thanked the City Attorney and stated that his main concern was that the City's interests are protected.

NEW BUSINESS:

a. Public Works Director Munns presented a report to the City Council on the status of the City water supplies and City wells. He indicated that although Well #20 would be producing potable water by the end of this year, that the emergency backup generator would not be installed until April of 2004 and that the filtration system would be complete in June. **Councilmember Pallas** felt that not enough effort has been put into our water well system.

b. City Clerk Simon request the City Council consider directing staff to provide salary survey data for the City Clerk position and prepare a resolution creating salary steps.

With concurrence from the Council, staff was directed to bring back a recommendation to establish salary steps which also includes the City Treasurer.

c. Councilmember Pallas stated that he was sorry he wasn't able to accept the invitation he received to the inauguration of Governor Schwarzenegger. He also noted that when he sent his regrets, he invited the Governor to visit the City of San Bruno one day.

CLOSED SESSION: None

ADJOURNMENT:

With no further business to transact, the meeting was adjourned at 9:30 pm. to a **Redevelopment Agency** "Study Session" on November 25, 2003, at 5:30 p.m. at the San Bruno Senior Center 1555 Crystal Springs Rd. to discuss development options for property located at 470 San Mateo Avenue (former Wells Fargo Bank site) thereafter; meeting will adjourn to the regular **City Council Meeting Tuesday, November 25, 2003**, at 7:00 p.m. the San Bruno Senior Center (1555 Crystal Springs Rd).

The foregoing minutes were approved by the San Bruno City Council at a regular meeting held on November 25, 2003.

Respectfully submitted for approval,

Ed Simon, City Clerk

Larry Franzella, Mayor